

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

WINIX, INC., a corporation of the  
Republic of Korea, and WINIX  
AMERICA INC., an Illinois corporation,

Plaintiff,

v.

DUST-TRAP DISTRIBUTIONS, LLC, a  
New York limited liability company, d/b/a  
VACUUM SAVINGS, and ERIC HULLI,  
an individual,

Defendants.

Case No. 2:15-cv-08430-SVW (MRWx)

**CONSENT JUDGMENT AND  
PERMANENT INJUNCTION  
AGAINST DUST-TRAP  
DISTRIBUTIONS, LLC D/B/A  
VACUUM SAVINGS, AND ERIC  
HULLI**

**JS-6**

Plaintiffs Winix, Inc. and Winix America Inc. (collectively, “Winix”), and Defendants Dust-Trap Distributions, LLC, d/b/a Vacuum Savings, and Eric Hulli (collectively, “Defendants”), have entered into a confidential settlement agreement to resolve this matter. As part of this agreement, Winix and Defendants agree to the entry of this Consent Judgment and Permanent Injunction against Defendants.

Therefore, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1           1.     This case is a civil action arising under the Lanham Act, 15 U.S.C. § 1125.  
2 This Court has jurisdiction over these claims under 15 U.S.C. § 1121, and 28 U.S.C. §§  
3 1331 and 1367(a).

4           2.     Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2).

5           3.     Winix, Inc. is a corporation of the Republic of Korea, having its principal  
6 place of business at 3<sup>rd</sup> Flr Winix Building 35-1, Unjung-Dong Bundang-Gu, Shiheung-  
7 City, Kyunggi, REPUBLIC OF KOREA.

8           4.     Winix America Inc. is an Illinois corporation having its principal place of  
9 business at 120 Prairie Lake Road #E, East Dundee, Illinois.

10          5.     Dust-Trap is a New York limited liability with its principal place of business  
11 in New York, New York and does business as Vacuum Savings and Life Supply USA.

12          6.     Eric Hulli is an individual and is the sole principal of Dust-Trap and is its  
13 Manager and President.

14          7.     For over 40 years, Winix has been a manufacturer of healthy home  
15 appliances, including air purifiers, humidifiers, dehumidifiers, and filters.

16          8.     Winix is currently one of the world's leading producers of premium  
17 performance air cleaners.

18          9.     At least some of Winix's air filtration products are certified to perform at a  
19 certain level by the Association of Home Appliance Manufacturers ("AHAM"). Certain  
20 of Winix's products are required to have a Dust Clean Air Delivery Rate ("CADR") of at  
21 least 197 to meet AHAM AC-1-2006 standards for that unit type. Those products, when  
22 used with a genuine Winix filter, meet or exceed this standard.

23          10.    Dust-Trap sells imitation replacement filters for Winix products under the  
24 trade names Vacuum Savings and Life Supply USA. In particular, Dust-Trap sells an  
25 imitation replacement filter as a substitute for the Winix 115115 filter. A genuine Winix  
26 115115 filter is compatible with a number of Winix products.

27          11.    Dust-Trap has marketed these imitation replacement filters as being "high  
28 quality replacement HEPA air purifier filter[s] designed to replace the Winix [filters]."

1 Dust-Trap also advertised that these imitation replacement filters will “save [the  
2 consumer] money while providing the same quality and fit” as a genuine Winix filter.

3 12. Tests of Dust-Trap’s imitation replacement filters revealed that their CADR  
4 was substantially lower than when a genuine Winix filter was used resulting in a CADR  
5 value of only 73% of what AHAM requires. The testing also revealed that the imitation  
6 replacement filters resulted in a lower air flow and a significantly higher pressure drop.

7 13. Judgment shall be entered in favor of Winix and against Defendants on the  
8 Complaint in the amount of \$135,000, which reflects a reimbursement of Winix’s  
9 attorney’s fees and a disgorgement of Dust-Trap’s profits for making false or misleading  
10 statements regarding Dust-Trap’s imitation replacement filters.

11 14. Defendants and Defendants’ officers, directors, employees, representatives,  
12 agents, successors-in-interest, parent corporations, subsidiary corporations, affiliated  
13 companies, and all other persons, firms or entities acting in concert or participating with  
14 them shall, for one year from the date of this Consent Judgment, make the following  
15 disclaimer in all of their advertising and marketing of the imitation replacement filters  
16 sold by Defendants as a substitute for the Winix 115115 filter:

17 **This is not a genuine Winix product. This is an aftermarket**  
18 **product designed and engineered in the United States by**  
19 **Vacuum Savings. This product does not meet the AHAM**  
20 **verified CADR (Clean Air Delivery Rate) of a genuine**  
21 **Winix filter. Use of this product will reduce the stated**  
22 **performance in your Winix Air Cleaner.**

23 The last two sentences of this disclaimer shall be prominently and conspicuously placed  
24 in all of Defendants’ advertising and marketing of the imitation replacement filters sold  
25 by Defendants as a substitute for the Winix 115115 filter. For example, in the current  
26 Amazon ad of Defendants’ products, the last two sentences of the disclaimer must be  
27 placed in the bullet point headings to the right of the picture of the product. The entire  
28 disclaimer shall be prominently and conspicuously placed in the product description

1 section in all of Defendants' advertising and marketing of filters sold by Defendants as a  
 2 substitute for the Winix 115115 filter.

3 15. Defendants and Defendants' officers, directors, employees, representatives,  
 4 agents, successors-in-interest, parent corporations, subsidiary corporations, affiliated  
 5 companies, and all other persons, firms or entities acting in concert or participating with  
 6 them, are hereby permanently enjoined from:

7 a. Using in any manner a picture of a genuine Winix replacement filter  
 8 in any advertising or marketing of Dust-Trap's imitation replacement filters;

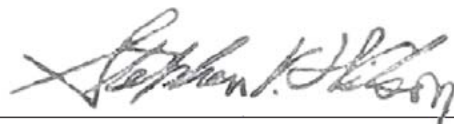
9 b. Stating in any advertising or marketing of Dust-Trap's imitation  
 10 replacement filters that they are "compatible with" Winix air cleaners, although  
 11 Dust-Trap can state that its imitation replacement filters are "designed to fit"  
 12 Winix air cleaners; and

13 c. Assisting, aiding or abetting any other person or business entity in  
 14 engaging in or performing any of the activities referred to in subparagraphs 15(a)  
 15 through 15(b) above.

16 16. The parties waive notice of entry of this Consent Judgment and Permanent  
 17 Injunction and the right to appeal therefrom or to test its validity and consent to its  
 18 immediate entry in accordance with its terms. This Court expressly retains jurisdiction  
 19 over this matter to enforce, implement or construe this Consent Judgment and Permanent  
 20 Injunction.

21  
 22 SO ORDERED.

23  
 24 DATED: April 20, 2016



United States District Judge  
 STEPHEN V. WILSON

DATED: April 11, 2016

Tucker Ellis LLP

By: /s/Howard A. Kroll

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Howard A. Kroll  
Steven E. Lauridsen  
Attorneys for Plaintiffs WINIX, INC.  
and WINIX AMERICA INC.

DATED: April 11, 2016

Law Office of Gerard F. Dunne, PC

By: /s/Joseph A. Dunne

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Joseph A. Dunne  
Attorneys for Defendants DUST-  
TRAP DISTRIBUTIONS, LLC,  
d/b/a VACUUM SAVINGS, and  
ERIC HULLI